

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/501,726
Applicant : KUNERT, et al.
Filed : July 16, 2004
TC/A.U. : 1648
Examiner : Jeffrey S. PARKIN
Docket No. : 3224-153
Customer No. : 06449
Confirmation No. : 4370

DECLARATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned officer of Polymun Scientific Immunbiologische
Forschung GmbH, of Vienna, Austria, declares:

1. That Polymun Scientific Immunbiologische Forschung GmbH is the assignee of the present application.
2. That a deposit of the cell culture identified as 2F5 (deposit number 90091704) in the above-captioned application was made under the terms of the Budapest Treaty at the European Collection of Animal Cell Cultures, PHLS, Porton Down, Salisbury, UK. This depository affords permanence of the deposit and ready access thereto by the public.

3. That a deposit of the cell culture identified as 3H6 (deposit number 01100279) in the above-captioned application was made under the terms of the Budapest Treaty at the European Collection of Cell Cultures, PHLS, Porton Down, Salisbury, UK. This depository affords permanence of the deposit and ready access thereto by the public.

4. That upon the granting of a patent in the above case, all restrictions, if any, upon the availability of the cultures to the public will be irrevocably removed.

5. That the listed deposits shall be replaced should they ever become non-viable.

6. The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7. Statement under 37 CFR §3.73(b)

Polymun Scientific Immunbiologische Forschung GmbH is the assignee of 100% interest in the patent application identified above by virtue of an assignment from the inventors of the patent application. The assignment was recorded in the United States Patent and Trademark Office at Reel 016066, Frame 0555.

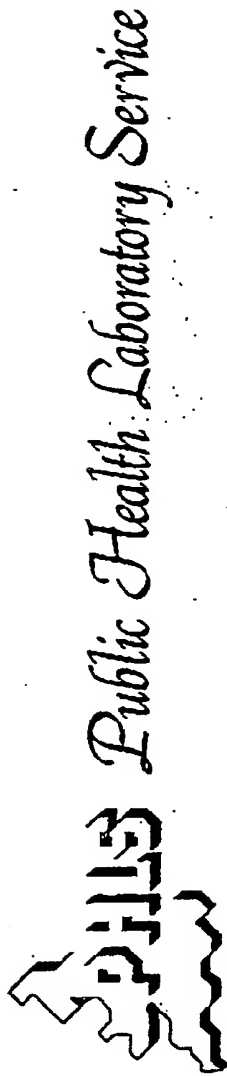
Polymun Scientific Immunbiologische
Forschung GmbH

Date: 19/06/08

By: Hermann Kattner

Typed Name: KATTNER

Title: CEO



Centre for Applied Microbiology and Research

*This document certifies that Cell Culture
(Deposit ref 90091704) has been accepted
as a patent deposit, in accordance with*

*The Budapest Treaty of 1977,
with the European Collection of Animal Cell Cultures on*

17th September, 1990

Alan
Dr. Alan Doyle,
Curator.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO Professor Katinger
Institute of Applied Microbiology
Peter Jordanstrasse 82
A-1190 Vienna
Austria

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: 2F5	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 90091704
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on 17.09.90 (date of the original deposit) ¹	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Dr Alan Doyle Address: European Collection of Animal Cell Cultures, PHLS Centre for Applied Microbiology & Research Porton Down, Salisbury, UK	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 26th November, 1990

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To
Professor Katinger
Institute of Applied Microbiology
Peter Jordanstrasse 82
A-1190 Vienna
Austria

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY STATEMENT
IS ISSUED

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Name: Professor Katinger Address: Institute of Applied Microbiology Peter Jordanstrasse 82 A-1190 Vienna Austria	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 90091704 Date of the deposit or of the transfer: 17th September, 1990
III. VIABILITY STATEMENT	
The viability of the microorganism identified under II above was tested on 17th September, 1990 ² . On that date, the said microorganism was <input type="checkbox"/> ³ viable <input type="checkbox"/> ³ no longer viable	

1. Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
2. In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
3. Mark with a cross the applicable box.

2F5

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name:

Dr. Alan Doyle, Curator, ECACC

Address:

PHLS Centre for Applied Microbiology & Research
Porton Down, Salisbury, Wilts. SP4 0JG, U.K.

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):


Date: 26th November, 1990

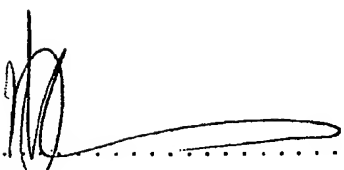
⁴ Fill in if the information has been requested and if the results of the test were negative.



Centre for Applied Microbiology and Research and European Collection of Cell Cultures

This document certifies that
Hybridoma 3H6/PF 20/18 P#260901
Deposit Reference 01100279

has been accepted as a patent deposit, in accordance with
The Budapest Treaty of 1977,
with the European Collection of Cell Cultures on
02 October 2001



Dr D H Lewis
General Manager
ECACC

the complete cell solution

Certificate of Analysis

Product Description 3H6/PF 20/18
Accession number 01100279

Test Description: Cell Count, Viability and confluency of cells on resuscitation from frozen.

Acceptance Criterion/Specification: were judged acceptable if they meet the following criteria:

- >70% viable cells
- >2 x 10⁶ viable cells/ml
- Confluent within 2 days

Date: 04/10/01

Result:

Viable Cell Count:	6.0 x 10 ⁶ cells/ml
Percentage Viability:	84%
Confluent within:	2 days
Overall Result:	PASS

Authorised by.....*P.P. Murphy*.....ECACC, Head of Quality.....*8/10/01* Date

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
PROF H KATINGER
POLYMER SCIENTIFIC
IMMUNOBIOLOGISCHE FORSCHUNG GMBH

NUSDORFER LANDE 11
VIENNA
A-1190
AUSTRIA

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

3H6/PF 20/18 P#260901

Accession number given by the
INTERNATIONAL DEPOSITORY AUTHORITY:

01100279

-I. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- ☒ A scientific description
☐ A proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depository Authority accepts the microorganism identified under I above,
which was received by it on 02 October 2001 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International
Depository Authority on (date of the original deposit) and
A request to convert the original deposit to a deposit under the Budapest Treaty
was received by it on (date of receipt of request for conversion)

IV. INTERNATIONAL DEPOSITORY AUTHORITY

Name: Dr D H Lewis

Address: ECACC
CAMR
Porton Down
Salisbury SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depository
Authority or of authorized official(s):

Date: 22/10/01

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depository authority was acquired

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
PROF H KATINGER
POLYMN SCIENTIFIC
IMMUNOBIOLOGISCHE FORSCHUNG GMBH

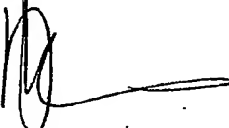
NUSDORFER LANDE 11
VIENNA
A-1190
AUSTRIA

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY OF STATEMENT
IS ISSUED

VIABILITY STATEMENT
Issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: PROF H KATINGER POLYMN SCIENTIFIC IMMUNOBIOLOGISCHE FORSCHUNG GMBH</p> <p>Address: NUSDORFER LANDE 11 VIENNA A-1190 AUSTRIA</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 01100279</p> <p>Date of the deposit or of the transfer: 02 October 2001</p>
II. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 02 October 2001¹. On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> ³ viable</p> <p><input type="checkbox"/> ³ no longer viable</p>	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most relevant date (date of the new deposit or date of the transfer).
 - 2 In the cases referred to in Rule 10.2 (a) (ii) and (iii), refer to the most recent viability test.
 - 3 Mark with a cross the applicable box.
- Form BP/4 (first page)

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED ⁴	
VIABILITY WAS CONFIRMED USING A HAEMOCYTOMETER AND THE TRYPAN BLUE DYE EXCLUSION METHOD.	
II. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Dr D H Lewis Address: ECACC CAMR Porton Down Salisbury Wiltshire SP4 0JG	 Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 22/10/07

⁴ Fill in if the information has been requested and if the results of the test were negative.

Form BP/9 (second and last page)